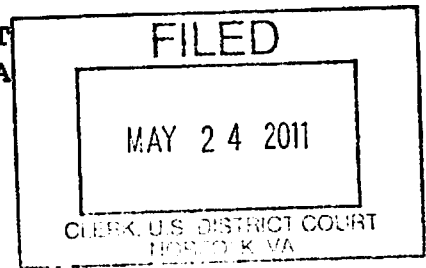


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division



JTH TAX, INC. d/b/a
LIBERTY TAX SERVICE,

Plaintiff,

v.

ACTION NO. 2:10cv578

JENNIFER STOCKER,

Defendant.

ORDER

This matter comes before the court on the Motion to Vacate Default Judgment (ECF #19) and Motion to Stay Execution of Default Judgment (ECF #20), filed by the defendant on February 14, 2011, and the First Motion for Order to Show Cause Why Defendant Should Not Be Held in Contempt (ECF #24), filed by the plaintiff on March 1, 2011. The matter was referred to a United States Magistrate Judge by Order of March 22, 2011, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Federal Rule of Civil Procedure 72(b), to conduct hearings, including evidentiary hearings, if necessary, and to submit to the undersigned proposed findings of fact, if applicable, and recommendations for the disposition of the motions.

The United States Magistrate Judge's Report and Recommendation (ECF #35) was filed on April 29, 2011. The magistrate judge recommended granting the defendant's Motion to Vacate Default Judgment, thereby rendering defendant's Motion to Stay Execution of

Default Judgment and plaintiff's Motion for Order to Show Cause moot.


By copy of the report and recommendation of the magistrate judge, the parties were advised of their right to file written objections thereto. The court has received no objections to the magistrate judge's report and recommendation, and the time for filing same has expired. The court does hereby adopt and approve in full the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed April 29, 2011. Accordingly, the defendant's Motion to Vacate Default Judgment (ECF #19) is **GRANTED**, and the Order for Default Judgment (ECF #18) is **VACATED**. If the plaintiff wishes to proceed with this action, it must serve the defendant with process within thirty (30) days from the date of this Order, pursuant to Fed. R. Civ. P. 4(m). Further, defendant's Motion to Stay Execution of Judgment (ECF #20) and plaintiff's Motion to Show Cause (ECF #24) are **DENIED** as moot.

The Clerk shall forward a copy of this Order to all parties of record.

It is so **ORDERED**.

Norfolk, Virginia

May 24, 2011

/s/ 

Rebecca Beach Smith
United States District Judge